

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14264 of 2013

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Mehdi Hasan son of Md. Alijan, President of Proprietor M/S H.A. Brothers at
C/D Pustak Bhandar, at corner of Shyam Nandan Road, Motijheel, Police
Station Town, District Muzaffarpur

.... Petitioner

Versus

1. The Bihar State Electricity Board through the Executive Engineer (Urban),
Electricity Supply Division, Maripur, Muzaffarpur
2. The Certificate Officer Muzaffarpur , Police Station Muzaffarpur, District
Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : None

For the Respondents : Mr. Vinay Kirti Singh, Sr. Advocate.

Mr. Vijay Kumar Verma

Mr. Akhileshwar Singh, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-08-2018

The present writ petition has been filed for quashing
the entire proceeding of the Certificate Case No. 344/11-12 filed by the
respondent no. 1 before the respondent no. 2 whereby and
whereunder even B/W has been issued against the petitioner.

2. None appears on behalf of the petitioner despite
repeated calls.

3. A perusal of the averments in the writ petition
discloses that the challenge to the recovery proceeding is on the
ground that the matter was sub-judice before the State Commission,
Bihar, Patna in Appeal No. 587 of 2001 filed by the respondent no. 1.



Pending the appeal however bailable warrant was issued against the petitioner in the certificate proceeding.

4. Learned counsel for the respondents appears and refers to Annexure-A to the supplementary counter affidavit according to which the aforesaid Appeal No. 587 of 2001 has been disposed of by order dated 22.05.2014 during pendency of the writ petition. The said appeal filed by the respondent no. 1 has been allowed. It is therefore submitted that the petitioner is liable to pay the outstanding dues.

5. Having regard to the aforesaid stand in the supplementary counter affidavit to the effect that the appeal in question has now been disposed of by the State Commission, the main contention of the petitioner no longer survives. As such, this Court is not inclined to interfere in the matter. The writ petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01.09.2018
Transmission Date	N.A.

